



PATENT

-1-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                 |   |                          |
|---------------------------------|---|--------------------------|
| In re Patent Application of     | ) | Group Art Unit: 2615     |
|                                 | ) |                          |
| MOTOKI KATO                     | ) | Examiner: ANAND RAO      |
|                                 | ) |                          |
| Serial No. 08/180,613           | ) | <u>DECLARATION OF</u>    |
|                                 | ) | <u>CHARLES P. SAMMUT</u> |
| Filed: January 13, 1994         | ) |                          |
|                                 | ) |                          |
| For: APPARATUS FOR ENCODING AND | ) |                          |
| DECODING HEADER DATA IN         | ) | 2001 Ferry Building      |
| PICTURE SIGNAL TRANSMISSION     | ) | San Francisco, CA 94111  |
| _____                           | ) | (415) 433-4150           |

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**DECLARATION**

I, Charles P. Sammut, a partner of the law firm of Limbach & Limbach, 2001 Ferry Building, San Francisco, California 94111, residing at 317 Surrey Street, San Francisco, California 94131-2932, hereby declare that:

- (1) I am registered to practice in patent cases before the United States Patent and Trademark Office;
- (2) my U.S. Patent and Trademark Office registration number is 28,901;
- (3) I am currently prosecuting the above-identified U.S. Patent application before the United States Patent and Trademark Office;
- (4) on November 14, 1994 I signed an Information Disclosure Statement for U.S. Patent Application Serial No. 08/180,613 which included on page 2 thereof, by way an "x" within brackets, a certification stating that:

**EXHIBIT A**

No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this information disclosure statement;

(5) upon information and belief such Information Disclosure Statement for U.S. Patent Application Serial No. 08/180,613 was deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 14, 1994;

(6) in signing such Information Disclosure Statement for U.S. Patent Application Serial No. 08/180,613, I did not intend that an "x" be placed within the brackets adjacent to the above-quoted certification;

(7) I also did not intend to in any way provide the above-quoted certification, but instead had intended that a fee of \$210 accompany the Information Disclosure Statement for U.S. Patent Application Serial No. 08/180,613;

(8) the above-quoted certification was made in error, without deceptive intent, and without intent to avoid the \$210 fee;

(9) I discovered the error during the evening of Wednesday, December 21, 1994 while reviewing the file for U.S. Patent Application Serial No. 08/160,691, in connection with the preparation of a response to an Office Action mailed September 22, 1994 for such application;

(10) U.S. Patent Application Serial No. 08/160,691 is assigned to the assignee U.S. Patent Application Serial No. 08/180,613;

(11) the Information Disclosure Statement for U.S. Patent Application Serial No. 08/180,613 listed those references which were cited in the Office Action mailed September 22, 1994 in U.S. Patent Application Serial No. 08/160,691 ;

(12) on November 14, 1994 I signed an Information Disclosure Statement for U.S. Patent Application Serial No. 08/160,691 which included on page 2 thereof, the same erroneous made certification set forth in paragraph (4) above;

(13) the Information Disclosure Statement for U.S. Patent Application Serial No. 08/160,691 listed those references which were cited in the Office Action mailed October 12, 1994 in U.S. Patent Application Serial No. 08/180,613;

(14) a Substitute Information Disclosure Statement, Supplemental Response and a supporting Declaration will be filed in relation to the error in the Information Disclosure Statement for U.S. Patent Application Serial No. 08/160,691; and

(15) that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC §1001, and that such false statements may jeopardize the validity of the application or any patent issuing thereon.

January 9, 1995  
Date

Charles P. Sammut  
Charles P. Sammut  
Reg. No. 28,901

Atty Docket No. SONY-P4021

| <u>CERTIFICATE OF MAILING</u>   |                        |
|---|------------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, |                        |
| Washington, DC 20231 on <u>1-9-95</u>   |                        |
| LIMBACH & LIMBACH   |                        |
| Dated: <u>1-9-95</u>  | By: <u>[Signature]</u> |
|   | Name                   |

**EXHIBIT A**